CITY COUNCIL, CITY OF LODI CITY HALL COUNCIL CHAMBERS NOVEMBER 15, 1978

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, November 15, 1978 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - Hughes, McCarty and

Pinkerton (Mayor)

Absent: Councilmen - Katnich and Katzakian

Also

Present: City Manager Glaves, Assistant City

Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney Mullen and City Clerk Reimche.

INVOCATION

The invocation was given by Reverend Eric

Coulon, First Baptist Church.

PLEDGE

Mayor Pinkerton led the Pledge of Allegiance to

the flag.

MINUTES

Mayor Pinkerton asked to abstain from voting on the approval of the Minutes of November 1, 1978 as he was not present at this meeting and could not express his approval as to the accuracy

of the Minutes.

On motion of Councilman McCarty, Hughes second, the Minutes of November 1, 1978 were approved as written and mailed by the following

vote:

Ayes: Councilmen - Hughes and

McCarty

Noes:

Councilmen - None

Abstain:

Councilmen - Pinkerton

Absent:

Councilmen - Katnich and

Katzakian

PUBLIC HEARINGS

WALNUT ST. FROM CHEROKEE LANE TO ITS EASTERN EXTREMITY ABANDONED Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Pinkerton called for the public hearing regarding the proposed abandonment of Walnut Street from Cherokee Lane to Walnut Street's eastern extremity.

PUBLIC HEARINGS

WALNUT STREET (Continued)

The matter was introduced by Community Development Director Schroeder who presented a diagram of the subject area for Council's perusal. Mr. Schroeder advised the Council that the Planning Commission in action taken at its November 13, 1978 meeting determined that no public need existed and recommended that the City Council approve the request of Mr. Henry Hansen to abandon East Walnut Street from Cherokee Lane to its eastern extremity with the condition that Public Utility Easements be provided as required by the Public Works Director.

There were no persons in the audience wishing to speak on the matter, and the public portion of the hearing was closed.

Following Council discussion on the matter, Council, on motion of Councilman Hughes, McCarty second, did determine that said portion of East Walnut Street from Cherokee Lane to its eastern extremity in the City of Lodi, County of San Joaquin, was unnecessary for present or prospective public street purposes, and thereby ordered it abandoned and vacated with the condition that Public Utility Easements be provided as required by the Public Works Director.

COMMUNICATIONS

N. CLUFF ROAD
RECOMMENDATION
PREZONING OF
SANITARY CITY
ADDITION

ر ج

City Clerk Reimche apprised the Council that a letter had been received appealing the decision of the Planning Commission regarding the North Cluff Road recommendation prezoning of Sanitary City Addition. The letter is signed by Homer C. Beldt, Casa de Lodi; Ed Rolita, Yanke Investment Co., and Durant Moseley, President, Golden State Mobile Home Owners League.

APPEAL REC'D RE
PLANNING
COMMISSION'S
DECISION ON
COCHRAN ROAD
DECISION

The City Clerk presented an appeal which had been received from Ms. Ann Cerney, Attorney for the appellants appealing the Planning Commission's decision of October 20, 1978 on the Cochran Road Project for construction of a 16 unit apartment.

On motion of Mayor Pinkerton, Hughes second, the matter was set for Public Hearing on December 6, 1978 at 8:00 p.m.

RECOMMENDATION REC'D RE USE OF STREET IMPROVE-MENT FUNDS The City Clerk presented a letter which had been received from Mrs. Martha M. Yule enclosing a copy of a recent newspaper article regarding availability of City of Lodi Street Improvement Funds and suggesting that a portion of these funds be used to improve Mills Avenue, South of Yosemite and North of Elm Street.

REQUEST TO DECLARE PORTION OF MSC PROPERTY SURPLUS Mrs. Reimche presented a letter which had been received from William Graffigna, Jr. and Sr., requesting that the parcel on the West side of Flame Liquors #2 be declared surplus property and stating that they desire to purchase the property at a reasonable market price. Messrs. Graffigna state they would appreciate the Council giving the matter

COMMUNICATIONS
MSC PROPERTY
(Continued)

its immediate consideration and submitting an appraisal of the value. Council discussion followed with the City Manager apprising the Council that the future use of the subject property is presently under review and a report will be made to the Council shortly on the subject.

PUBLIC HEARING BEFORE LAFCO ON SANITARY CITY REORGANIZATION The City Clerk announced that a Public Hearing before the Local Agency Formation Commission regarding the Sanitary City Reorganization (LAFC 19-78), including Annexation No. 78-3 to the City of Lodi and Detachment of Affected Territory from Mokelumne Rural County Fire Protection District and Woodbridge Rural County Fire Protection District will be held November 17, 1978.

COUNCIL RECEIVES C-2 STORM WATER DRAINAGE BASIN PROJECT EIR City Clerk Reimche distributed for Council's study and review copies of the C-2 Storm Water Drainage Basin Project Final Environmental Impact Report.

LETTERS REC'D
OPPOSING PUC
PROPOSED CLOSING
OF CROSSINGS

The City Clerk presented copies of letters received from the Salem United Methodist Church, 345 E. Elm Street, Lodi and Norman E. Sauer, 334 Eden Street, Lodi opposing the proposed closing of railroad crossings at Walnut, Oak, and Locust Streets by the Public Utilities Commission.

S.J. CO. LANDFILL DISPOSAL FEE SCHEDULE AMENDED City Clerk Reimche presented a letter which had been received from C. E. Dixon, County Administrator, San Joaquin County outlining an amended Landfill Disposal fee schedule, which schedule minimizes the inequities contained in existing fee schedules and which no longer differentiates between commercial and non-commercial haulers (with the exception of franchised collectors). Following Council discussion, it was determined that a "rose" should be sent to Supervisor George Barber to applaud the San Joaquin County Board of Supervisors for their action in proposing this amended, more equitable fee schedule.

REPORTS OF THE CITY MANAGER

CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, the following actions hereby set forth between asterisks, on motion of Councilman Hughes, McCarty second, were approved by Council.

CLAIMS

CLAIMS WERE APPROVED IN THE AMOUNT OF \$1,293,467.47.

ACCEPTANCE OF HOMESTEAD MANOR, UNIT #2

RES. NO. 78-155

22

Council was apprised that the subdivision improvements and streets included in Homestead Manor, Unit No. 2 have been completed in substantial conformance with the requirements of the Subdivision Agreement between the City of Lodi and Hawaii and San Francisco Investment Company and as specifically set forth in the plans and specifications approved by the City Council. Council adopted the following Resolution:

RESOLUTION NO. 78-155

RESOLUTION ACCEPTING THE SUBDIVISION IMPROVEMENTS AND STREETS INCLUDED IN HOMESTEAD MANOR, UNIT NO. 2.

ACCEPTANCE OF 1711 AND 1721 S. STOCKTON STREET

3

RES. NO. 78-156

Council was informed that the development improvements in the development located at 1711 and 1721 South Stockton Street have been completed in substantial conformance with the requirements of the Development Agreement between the City of Lodi and Ronald B. Thomas, et al, and as specifically set forth in the plans and specifications approved by the City Council. Council adopted the following Resolution:

RESOLUTION NO. 78-156

RESOLUTION ACCEPTING THE DEVELOPMENT IMPROVEMENTS AND STREET INCLUDED IN THE DEVELOPMENT AT 1711 AND 1721 S. STOCKTON STREET.

APPROVAL OF DEVELOPMENT AT 1845, 1901 AND 1903 SOUTH CHURCH ST. The City Council was advised that the developer of the development on South Church Street has furnished the City with the development improvement plans as well as the necessary agreements, bonds and development fees for his proposed development consisting of three lots located at 1845, 1901, and 1903 South Church Street and zoned R-MD.

THE CITY COUNCIL APPROVED THE IMPROVEMENT PLANS AND THE IMPROVEMENT SECURITY FOR THE DEVELOPMENT LOCATED AT 1845, 1901, AND 1903 SOUTH CHURCH STREET AND DIRECTED THE CITY MANAGER TO SIGN THE DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY.

PLANS & SPECS FOR LOCUST ST. CURB/ GUTTER/SIDEWALK & STORM DRAIN COUNCIL APPROVED THE PLANS AND SPECIFICATIONS FOR "LOCUST STREET STREET IMPROVEMENTS, PLEASANT AVENUE - CHURCH STREET, PLEASANT AVENUE STREET IMPROVEMENTS, LOCUST STREET - LOCKEFORD STREET" AND AUTHORIZED THE CITY CLERK TO ADVERTISE FOR BIDS THEREON.

SPECS APPRVD. FOR STREET DEPARTMENT FOREMAN PICKUP

COUNCIL APPROVED THE SPECIFICATIONS FOR ONE 1979 CONVENTIONAL PICKUP TRUCK FOR THE PUBLIC WORKS STREET DEPARTMENT AND AUTHORIZED THE PURCHASING AGENT TO ADVERTISE FOR BIDS THEREON.

Minutes of November 15, 1978, continued

AWARD - TECHNICAL FURNITURE

RES. NO. 78-157

LODI PUBLIC LIBRARY City Manager Glaves presented the following bids which had been received for the contract for "Library Technical Furniture":

BIDDER	AMOUNT
M. Newfield & Son	\$55,735.50
Library Bureau	\$63,128.20
The Buckstaff Co.	\$65,250.22
Library Bureau	\$75,804.65
Healey and Popovich	\$77,444.00

On recommendation of the City Manager, Council adopted the following Resolution:

RESOLUTION NO. 78-157

RESOLUTION AWARDING THE BID FOR "LIBRARY TECHNICAL FURNITURE" TO THE BUCKSTAFF COMPANY IN THE AMOUNT OF \$65,250.22.

AWARD - OFFICE FURNITURE

RES. NO. 78-158

The following bids which had been received for "Office Furniture - Lodi Public Library" were presented for Council's perusal. On recommendation of City Manager Glaves, Council adopted the following resolution:

BIDDER	AMOUNT
Office Industrial Furnishers	\$6,565.16
M. Newfield & Sons	\$7,257.00
Healey and Popovich	\$7,491.00
Holsinger, Inc.	\$8,223.35

RESOLUTION NO. 78-158

RESOLUTION AWARDING THE BID FOR "OFFICE FURNITURE - LODI PUBLIC LIBRARY" TO OFFICE INDUSTRIAL FURNISHERS, IN THE AMOUNT OF \$6,565.16.

AWARD - CONFERENCE, FURNITURE

RES. NO. 78-159

LOUNGE, AND CASUAL The City Manager presented the following bids which had been received for "Conference, Lounge and Casual Furniture" for the Lodi Public Library:

BIDDER	AMOUNT	
The Buckstaff Company -Healey and Popovich	\$17,912.06 \$21,083.09	

On recommendation of the City Manager, Council adopted the following resolution:

RESOLUTION NO. 78-159

RESOLUTION AWARDING THE BID FOR "CONFERENCE, LOUNGE AND CASUAL FURNITURE" FOR THE LODI LIBRARY TO THE BUCKSTAFF COMPANY IN THE AMOUNT OF \$17,912.06.

AGENDA ITEM REMOVED FROM AGENDA

With the tacit concurrence of the City Council, Agenda item "h" - "Award - Instrumentation Contract - White Slough" was removed from the Agenda.

AWARD - INTER-MEDIATE SEDAN

FOR PUBLIC WORKS

City Manager Glaves apprised the Council that only one bid had been received for an Intermediate Automobile for the Engineering Division of Public Works; namely, Geweke Ford in the amount of \$5.041.14.

RES. NO. 78-160

Following recommendation of City Manager Glaves, Council adopted the following resolution:

RESOLUTION NO. 78-160

RESOLUTION AWARDING THE BID FOR AN INTERMEDIATE SEDAN FOR THE ENGINEERING DIVISION OF PUBLIC WORKS TO GEWEKE FORD IN THE AMOUNT OF \$5.041.14 WHICH INCLUDES TRADE-IN AND SALES TAX.

AWARD - 3/4 TON TRUCK FOR WATER/ SEWER DIVISION OF PUBLIC WORKS DEPT.

RES. NO. 78-161

22

City Manager Glaves advised the Council that the following bids had been received for a 3/4 ton truck for the Water/Sewer Division of Public Works:

BIDDER	AMOUNT	
Geweke Ford	\$9, 135.81	
Sanborn Chevrolet	\$9.317.38	

Following recommendation of the City Manager, Council adopted the following Resolution:

RESOLUTION NO. 78-161

RESOLUTION AWARDING THE CONTRACT FOR A 3/4 TON TRUCK FOR THE WATER/SEWER DIVISION OF PUBLIC WORKS DEPARTMENT TO GEWEKE FORD, THE LOW BIDDER IN THE AMOUNT OF \$9, 135.81.

EXTENSION OF PERMIT FOR COMMUNITY GARDEN APPRVD.

Council was informed by City Manager Glaves that in October 1977, the City Council approved the request of Mark Stebbins, Community Garden Coordinator of the Agricultural Extension Service for San Joaquin County to use the future fire station site on East Lodi Avenue as a Community Garden under the supervision of the Extension Service.

The approval also included rental of fencing for the site at \$360 per year and the City providing the water service.

Mr. Stebbins reports that the Community Garden project has been successful this past year and requests approval of the same conditions for another year.

COUNCIL APPROVED EXTENSION OF THE PERMIT FOR THE COMMUNITY GARDEN, WHICH APPROVAL INCLUDES RENTAL OF FENCING FOR THE SITE AT \$360.00 PER YEAR AND THE CITY PROVIDING THE WATER SERVICE.

194

ACCEPTANCE OF
"DEMOLITION-OLD
SEWER PLANT"

COUNCIL ACCEPTED THE "DEMOLITION - OLD SEWER PLANT, 1331 S. HAM LANE", AND DIRECTED THE PUBLIC WORKS DIRECTOR TO FILE - A NOTICE OF COMPLETION THEREON.

HOLLY DRIVE ST. LIGHT DISTRICT BID REJECTED - PROJECT ABANDONED Council was advised that only one bid had been received for the contract for the Holly Drive Street Lighting District from Graffigna Electric in the amount of \$4,180. This amount added to \$548 in City costs exceeds the Engineer's estimate for the project by 29%. At the November 1, 1978 City Council meeting, the City Clerk was directed to send notices to the property owners in the subject district apprising them of the bid received and of the increase over the estimated cost.

The City Clerk presented a petition which had been received signed by property owners of more than 60 percent of the front footage in the district indicating their desire to abandon the project. Mrs. Olga Fey, 1710 Holly Drive, Lodi and circulator of the petition addressed the Council stating that a meeting of the property owners had been held and it was agreed to request the Council to abandon the project; to attempt at a future date to expand the boundaries of the district; and if that is not successful, to again initiate proceedings for the district with its present boundaries - Holly Drive between Loma and Howard Street.

Council discussion followed with questions being directed to Mrs. Fey, and to Staff. On motion of Councilman Hughes, McCarty second, Council rejected the bid received from Graffigna Electric in the amount of \$4,180.00 and approved the request of the property owners to abandon the project.

INDUSTRIAL WAY & BECKMAN ROAD ASSESSMENT DISTRICT NO. 1

RES. NOS. 78-162 THRU 78-168 INCL. Following introduction of the matter by City Manager Glaves, Attorney Timothy J. Hachman of Blewett. Garretson and Hachman, 141 E. Acacia Street, Lodi addressed the Council that he had previously met with property developers and their engineer, representatives of the City of Lodi and of Wulff, Hansen and Company of San Francisco, California, who have offered to purchase the assessment bonds proposed to be issued for the proposed Industrial Way and Beckman Road Assessment District No. 1. Mr. Hachman advised that the real property proposed to be included within the assessment district consists of three contiguous parcels, one of which is covered by a parcel map containing two parcels, and the remaining two parcels are covered by subdivision maps, containing eleven and twelve lots, respectively, for an overall total of 25 individual parcels upon the completion and recording of the parcel map and subdivision maps. Diagrams of the subject property were presented to Council for their perusal.

The improvements to be installed include a street system, consisting of asphalt concrete streets, curb, gutter and sidewalk, storm drain system, sanitary sewer system, domestic water system, including fire hydrants, and miscellaneous utility, all of which improvements will be dedicated to the City of Lodi or the appropriate public utility company upon completion of the project, with the dedication accomplished by the recording of subdivision and parcel maps or other appropriate means.

ASSESSMENT DISTRICT (Continued)

The bonds are to be issued pursuant to the provisions of the State Streets and Highways Code, the Municipal Street Improvement Act of 1913 and the Improvement Act of 1911, which bonds are to be issued to represent the cost of the improvements and acquisitions to be made in the City of Lodi.

Wulff, Hansen and Company agree to pay Ninetyfive percent (95%) of the total par value of the bonds to be issued in said proceedings, plus accrued interest from dated date. The bid is made to the City on the basis that said bonds shall mature in twenty (20) equal annual installments; that they shall bear interest at the rate of seven and seven tenths percent (7.7%) per annum; that they shall be payable to bearer, that upon redemption the property owner must pay five percent (5%) of the then unmatured principal as premium; and that they will be dated and delivered to Wulff, Hansen and Company no later than January 31, 1979, and that the total principal amount of said issue shall not exceed \$725,000. Council was further advised that the San Joaquin County Tax Collector has agreed to act as the collection agency for this assessment district.

Council discussion followed with questions being directed to Mr. Hachman, the City Attorney and Staff.

On motion of Councilman Hughes, Pinkerton second, Council took the following actions pertaining to the Industrial Way and Beckman Road Assessment District No. 1 by the vote designated below:

Ayes: Councilmen - Hughes, McCarty and

Pinke rton

Noes: Councilmen - None

Absent: Councilmen - Katnich and Katzakian

- a) Approved the plans and specifications for Industrial Way and Beckman Road Assessment District No. 1
- Resolution No. 78-162 Resolution Determining to Undertake Proceedings
- c) Resolution No. 78-163 Resolution Appointing Engineer and Attorneys (Bond Counsel)
- d) Resolution No. 78-164 Resolution Describing Proposed Boundaries
- e) Resolution No. 78-165 Resolution of Intention to Acquire and/or Construct Improvements.
- Resolution No. 78-166 Resolution of Preliminary Approval of Engineer's Report
- Resolution No. 78-167 Resolution calling for Sealed Proposals or Bids
- h) Resolution No. 78-168 Resolution appointing Time and Place of Hearing Protests - (Set for December 20, 1978 at 8:00 p.m.)

196

PUBLIC HEARING SET TION OF IMPACTION BY LODI UNIFIED SCHOOL DISTRICT

Following introduction of the matter by City Manager TO CONSIDER DECLARA- Glaves, with comments from Mr. Constantine I. Baranoff, Administrative Director of Facilities and Planning, Lodi Unified School District, Council on motion of Councilman McCarty, Hughes second, set a Public Hearing to consider the Declaration of Impaction by the Lodi Unified School District for 8:00 p.m., December 20, 1978.

COMPLIANCE AUDIT OF REVENUE SHARING FUNDS APPROVED

City Manager Glaves apprised the Council that the Congressional Act pertaining to Revenue Sharing Laws states that each unit of local government "shall have an independent audit of its financial statements conducted for the purpose of determining compliance with this title". Mr. Glaves apprised the Council of the areas covered by a Compliance Audit and stated that the matter has been discussed with the City's Auditors, Ernst and Ernst and it has been determined that the Compliance Audit can be conducted in conjunction with the annual audit, which is underway, for a cost in the range of \$1500 to \$1700.00.

Following discussion with questions being directed to Mr. Glaves and Mr. Glenn, Council, on motion of Councilman McCarty, Hughes second, approved a Compliance Audit of Revenue Sharing Funds by Ernst and Ernst at a cost not to exceed \$1700.00.

INQUIRY AS TO AUDIT OF CETA FUNDS

Following an inquiry by Councilman McCarty, a brief discussion was held regarding the auditing of C.E.T.A. funds. Questions regarding the subject were posed to the City Manager.

COUNCIL RESCINDS RES. NO. 3625 COVERING FIRE HYDRANT POLICY

RES. NO. 78-169

Following an explanation by City Manager Glaves that with the adoption of Ordinance No. 1142, which requires the installation of off-site public improvements with building construction and general development, the City has no further need for Resolution No. 3625 which set forth a policy for Fire Hydrants within the City. Council, on motion of Mayor Pinkerton, Hughes second, adopted Resolution No. 78-169 rescinding Resolution No. 3625.

REVISED SB 325 CLAIMS FOR 1975-76 AND 1976-77 APPROVED

RES. NO. 78-170

Council was advised that the 1975-76 Claims for Transportation Development Act Funds has been revised by the elimination of the Transit System Operation that was proposed in the original 1975-76 Claim in the amount of \$147,000.

The 1977-78 Claim has been revised to include the Diala-Ride Demonstration System for the City of Lodi. These changes are administrative in nature to reflect projects the City of Lodi will expend Transportation Development funds on.

On motion of Councilman McCarty, Hughes second, Council adopted Resolution No. 78-170 approving revised SB 325 Claim for 1975-76 and 1976-77 and authorized the City Manager to execute the documents on behalf of the City.

SANGUINETTI PARK, UNIT #1 APPRVD.

City Manager Glaves apprised the Council that the developer of Sanguinetti Park, Unit No. 1 has furnished the City with the final map and the subdivision improvement plans as well as the necessary agreements, bonds and development fees for their proposed subdivision. This subdivision is located between Church Street and Sacramento Street along the south side of Turner Road and will consist of six individual commercial lots within a common area, and is zoned P-D(17).

A diagram of the subdivision was presented for Council's scrutiny and Staff responded to questions regarding the matter as were posed by the Council.

On motion of Councilman McCarty, Hughes second, Council approved the final map, the improvement plans, and the improvement security for Sanguinetti Park, Unit No. 1, and directed the City Manager and City Clerk to execute the documents on behalf of the City.

STANDARDIZATION OF EQUIPMENT AND FACILITIES Council was informed by the City Manager that pursuant to Section 2-58, "Exemptions From Centralized Purchasing of the City Code", the Public Works Department requests approval of the City Council to standardize the following equipment as listed by category with recommended manufacturers and approximate cost per item shown:

CATEGORY	MANUFACTURER	APPROXIMATE COST
Water Meters	Rockwell	\$40 - \$1700
Fire Hydrants	Rich or Long Beach	\$250 - \$300
Storm drain propeller		
pumps	Byron Jackson	\$5,000 - \$8,000
Motors for propeller		
pumps	General Electric or	•
	U.S. Motors	\$500 - \$2,000
Traffic Activated		
Controllers	Multisonics	\$5,000 - \$6,000
Fixed Timed Controllers	Econolite	\$1,000

On motion of Councilman Hughes, McCarty second, Council approved standardization of equipment and facilities as heretofore set forth.

PUC RECOMMENDA-TION REGARDING CROSSING CLOSINGS

Agenda item "u" - "PUC recommendation regarding crossing closings" was introduced by City Manager Glaves. Public Works Director Ronsko then outlined briefly a report provided by the Public Utilities Commission entitled "Report on Investigation of Eight Railroad Crossings in the City of Lodi Over the Tracks of the Southern Pacific Transportation Company", which the Commission staff has prepared for presentation into evidence at hearings in Order Instituting Investigation No. 2, the Commission investigation into the status, safety, etc. of eight grade crossings of Southern Pacific Transportation Company's tracks in the City of Lodi.

It is the Commission staff proposal to close crossings at Walnut Street (Crossing D-103.2), Oak Street (Crossing D-103.25) and Locust Street (Crossing D-103.5).

CROSSING CLOSINGS (Continued)

A letter dated October 18, 1978 from James K. Gibson, Director, Transportation Division, Public Utilities Commission stated that "if the City of Lodi is not presently willing to agree to closure of the three crossings, and the City believes there are issues which should be further discussed, the Commission staff will be happy to meet with representatives of the City for this purpose".

A lengthy discussion followed with Mayor Pinkerton reaffirming the City Council's prior position of opposition to the closing of these three crossings and expressing his objections to decisions of this type being made by an appointed body rather than elected officials. Questions concerning the report were directed to Staff and to the City Attorney. No formal action was taken by the Council on the matter.

ADJOURNMENT

There being no further business to come before the Council, Mayor Pinkerton adjourned the meeting at approximately 9:15 p.m. on motion of Councilman McCarty, Hughes second.

Attest:

litice in Kamehe ALICE M. REIMCHE CITY CLERK